

# HOUSE . . . . . No. 694

By Mr. Galvin of Canton, petition of William C. Galvin relative to the apportionment of damages in certain malpractice and other actions against health care providers. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO FAIRLY APPORTION DAMAGES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 60K. In any action for malpractice, error, omission,  
2 mistake or the unauthorized rendering of professional services  
3 against a provider of health care, the liability of each defendant  
4 for damages shall be several only and shall not be joint. Each  
5 defendant shall be liable only for the amount of damages allocated  
6 to that defendant in direct proportion to that defendant's per-  
7 centage of fault, and a separate judgment shall be rendered against  
8 that defendant for that amount.